



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

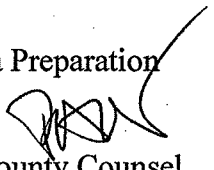
JOHN F. KRATTLI
County Counsel

March 5, 2014

TELEPHONE
(213) 974-1861
FACSIMILE
(213) 229-9924
TDD
(213) 633-0901

TO: SACHI A. HAMAI
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: PATRICK A. WU 
Senior Assistant County Counsel

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Cynthia Y. Torres, et al. v. County of Los Angeles
Los Angeles Superior Court Case No. BC 469 841

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

PAW:rfm

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Cynthia Y. Torres, et al. v. County of Los Angeles, Los Angeles Superior Court Case No. BC 469 841, in the amount of \$1,500,000 plus assumption of the Medi-Cal lien in the estimated amount of \$36,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Department of Health Services' budget.

This medical negligence lawsuit alleges that the care provided by staff at the LAC+USC Medical Center was negligent and contributed to injuries to a mother and her newborn.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Cynthia Y. Torres, et al. v. County of Los Angeles, et al.
CASE NUMBER	BC 469841
COURT	Los Angeles Superior Court - Central District
DATE FILED	September 19, 2011
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	\$1,500,000, plus assumption of the Medi-Cal lien in the estimated amount of \$36,000
ATTORNEY FOR PLAINTIFF	Levik Yarian Yarian & Patatanyan, LLP
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian
NATURE OF CASE	On September 29, 2010, Cynthia Torres, a pregnant female, presented to LAC+USC Medical Center with severe infection in her gastrointestinal system. On September 30, 2010, as the medical staff were managing Ms. Torres' infection and monitoring her fetus, her condition deteriorated, and as such, she had to undergo an emergency cesarean section. Ms. Torres gave birth to her son, N.M., who suffered a stroke during the birth process.

Both Cynthia Torres and N.M. filed an action for medical malpractice against the County of Los Angeles contending that the care provided by LAC+USC staff was negligent and contributed to injuries to Ms. Torres and N.M.'s stroke.

PAID ATTORNEY FEES, TO DATE

\$145,324

PAID COSTS, TO DATE

\$60,407



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	September 30, 2010
Briefly provide a description of the incident/event:	<p>On September 29, 2010, Cynthia Torres, a pregnant female, presented to LAC+USC Medical Center with severe infection in her gastrointestinal system. On September 30, 2010, as the medical staff were managing Ms. Torres' infection and monitoring her fetus, her condition deteriorated, and as such, she had to undergo an emergency cesarean section. Ms. Torres gave birth to her son, N.M, who suffered a stroke during the birth process.</p> <p>Both Cynthia Torres and N.M filed an action for medical malpractice against the County of Los Angeles contending that the care provided by LAC+USC staff was negligent and contributed to injuries to Ms. Torres and N.M's stroke.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

Fetal neurological injury resulting from infection.

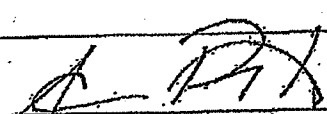
2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

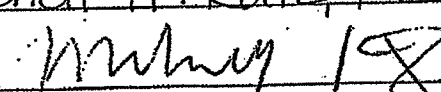
- A new protocol for contacting, rescheduling, and documenting patients who miss their high risk obstetrical appointments was implemented by the facility.
- All other DHS high risk OB departments were determined to have a comparable process in place.
- Education was held with providers regarding communication between residents, fellows, and faculty in obstetrical areas.
- A DHS-wide program for the identification and management of sepsis was initiated.
- Additional physicians were obtained for the performance of complex gastrointestinal procedures.
- A DHS-wide policy was developed for the determination of fetal viability and the expectations for monitoring a fetus during procedures.

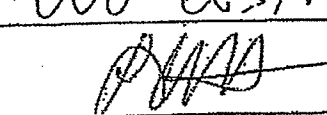
County of Los Angeles
Summary Corrective Action Plan

3. Are the corrective actions addressing department-wide system issues?

- ☒ Yes – The corrective actions address department-wide system issues.
☐ No – The corrective actions are only applicable to the affected parties.

Name: (Risk Management Coordinator)	
Signature: 	Date: 12/19/13

Name: (Department Head) Mitchell H. Katz, M.D.	
Signature: 	Date: 1/21/14

Chief Executive Office Risk Management Inspector General USE ONLY	
Are the corrective actions applicable to other departments within the County?	
<input type="checkbox"/> Yes, the corrective actions potentially have County-wide applicability.	
<input checked="" type="checkbox"/> No, the corrective actions are applicable only to this department.	
Name: (Risk Management Inspector General) LEO CASTANEDA	
Signature: 	Date: 1-13-14